

## **MEETING SUMMARY**

### **NEW YORK STATE APPEARANCE ENHANCEMENT ADVISORY COMMITTEE February 4, 2020**

The meeting was held at the Department of State, 99 Washington Avenue, Albany; 123 William Street, NYC; and 65 Court Street, Buffalo NY.

#### **I. CALL TO ORDER, INTRODUCTIONS and OFFICIAL ATTENDANCE**

Michelle D’Allaird Brenner called the meeting to order at 10:42 a.m. Roll call was performed and it was announced that there was not a quorum. The official attendance was as follows:

##### **COMMITTEE MEMBERS**

Michelle D’Allaird Brenner  
Anthony Fiore

##### **Excused:**

Shirley Cheng  
Anthony Civitano

##### **VISITORS**

Christopher Feml

##### **NYSED STAFF (Public Schools-CTE)**

Nicole Hadsell

##### **DEPARTMENT OF STATE STAFF**

Amy Penzabene  
Jodi DeLollo  
David Mossberg  
Ernita Gantt  
Ernest Delaney  
Denise Tidings  
Marcella Rose  
Jasmine Norman  
Mercedes Padilla

##### **NYSED STAFF (BPSS)**

Thomas Reimer  
Lisa Stiles-Roy  
Kimberly Kuster-Smith

#### **II. DEPARTMENT REPORTS**

- A. Enforcement Update – E. Gantt reported that the Enforcement Unit performed over 2200 inspections in 2019. She reported that inspections were conducted statewide and that the majority of violations related to health and safety requirements, followed by unlicensed activity. She mentioned that the 2020 inspection program is getting underway.
- B. Processing Report – J. DeLollo reported on the Appearance Enhancement licensing metrics. Copies of licensing statistics broken down to license type were provided. One report provided statistics as of January 27, 2020 and the other as of February 4, 2019 for a comparison of the number of licenses issued at the same time last year to help identify industry trends over the past year. J. DeLollo pointed out that the statistics have remained fairly consistent over the past year. She also encouraged schools to participate in the auto-verification system to affirm student course completion to help avoid application rejections and delays in licensure.

- C. Examination Report - M. Rose reported 2019 Appearance Enhancement licensing examination pass rates. M. Rose also mentioned that she would be meeting with subject matter experts (SMEs) in late February to assist with the review and validation of Esthetics written examination items.

### III. ACTION ITEMS

- A. Domestic Violence Information Provided to Licensees – A. Penzabene reported that the Department of State (DOS) partnered with the Office for the Prevention of Domestic Violence (OPDV) to help raise awareness of domestic violence. She mentioned that DOS/Licensing sent an email blast to approximately 230,000 licensees; the email contained a link to a video and ‘I AM ABLE’ cards that appearance enhancement providers can use to educate themselves so that they may assist clients that may be victims of domestic violence. She also mentioned that these materials will be made available at district offices and will be distributed by enforcement staff during their visits to AE businesses.
- B. Board Member Contact Update – D. Tidings reported that the online NYS Appearance Enhancement Advisory Board information has been updated to reflect current member appointments.
- C. Procedural Update – D. Tidings explained that the AE Trends Subcommittee has been working on a list of procedural determinations. She explained that the licensing law is not always clear on what procedures fall under the AE licensure scope; therefore, the Subcommittee has been working with Licensing Counsel and consulting other state agencies to make decisions on what services that fall within the scope of AE practice and what services fall outside of AE licensure scope. She stated that Licensing is exploring ways to make these determinations available to the public and will be seeking assistance from the AE Trends subcommittee in completing this task.

D Tidings also mentioned that at the request of AE Board members, DOS/Licensing has asked NYSED to reconsider their previous position that microneedling falls under the scope of NYS Acupuncture licensure. NYSED has added this subject to the NYS Acupuncture Board’s April 6 meeting agenda for discussion; this meeting will be open to the public and will take place in NYC and Rochester via videoconference.

### IV. NEW BUSINESS

- A. Updated Guidance from NYS Medical Board (Laser) – D. Mossberg reported that DOS/Licensing asked NYSED/Medical Board to provide us with their current position on laser use. He mentioned that it had been a number of years since the last formal decision was relayed and, therefore, fell under question by the law judges. A letter with NYSED/Medical Board’s current position was provided in the meeting folder; D. Mossberg mentioned that the position is clear and has not changed—laser hair removal is not considered the practice of medicine. He also clarified that laser use for services other than hair removal is considered the practice of medicine.

B. Plans for Making Procedural Information Available – A. Penzabene mentioned that the AE Trends Subcommittee has come up with a list containing a good amount of trending procedures. She stated that it is DOS/Licensing’s intention to share this information with the public and feels that it is important for the public and licensees to understand what services are within scope of practice, outside scope of practice, considered the practice of medicine, or prohibited for AE service providers. She mentioned that we would attempt to have a draft procedural list appropriate for public use available for review at the next meeting of the AE Advisory Committee.

## **V. PUBLIC COMMENT PERIOD**

There were no public comments. Board member, Anthony Fiore, sought clarification on microneedling. It was verified that microneedling falls under the scope of acupuncture licensure in New York State. He also asked if it was acceptable for AE licensees to perform microblading; it was explained that this procedure falls under local ordinance for tattooing requirements.

## **VI. ADJOURNMENT**

The meeting was adjourned at 11:05 a.m.